

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

No. 259

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**Introduced by Assembly Member Logue**

February 7, 2013

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An act to amend Section ~~1215.6~~ 2762 of the ~~Water Business and Professions Code~~, and to add Section 1259.7 to the Health and Safety Code, relating to ~~water resources~~ nursing.

### LEGISLATIVE COUNSEL'S DIGEST

AB 259, as amended, Logue. ~~Areas of origin: water user or users.~~  
*Nursing: CPR in emergency situations.*

*The Nursing Practice Act governs the licensing and regulation of professional nursing, and vests authority for enforcing the act in the Board of Registered Nursing within the Department of Consumer Affairs. Among other provisions, the act provides that a person licensed pursuant to the act who in good faith renders emergency care at the scene of an emergency which occurs outside both the place and the course of that person's employment is not liable for any civil damages as the result of acts or omissions by that person in rendering the emergency care, except as specified. The act also authorizes the board to take disciplinary action against a certified or licensed nurse for unprofessional conduct, as described. A person who violates a provision of the act is guilty of a misdemeanor.*

*Existing law regulates health facilities, including skilled nursing facilities, intermediate care facilities, and congregate living health facilities. A person who violates these provisions is guilty of a crime, except as specified.*

*This bill would make refusing to administer cardiopulmonary resuscitation in an emergency situation unprofessional conduct for purposes of the Nursing Practice Act, as specified. By creating a new crime, the bill would impose a state-mandated local program.*

*The bill would also provide that if a skilled nursing facility, an intermediate care facility, or a congregate living health facility implements or enforces a policy that prohibits a licensed professional nurse employed by the facility from administering cardiopulmonary resuscitation, that policy is void as against public policy. By creating a new crime relating to health care facilities, the bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law prohibits a protected area, as defined, from being deprived of the prior right to all the water reasonably required to adequately supply the beneficial needs of the protected area, or any of the inhabitants or property owners therein, by a water supplier exporting or intending to export water for use outside a protected area, as prescribed. Existing law provides that water users in a protected area have the right to purchase water made available by the construction of any works by a water supplier exporting or intending to export water for use outside the protected area, as specified. Existing law defines water user or users within a protected area for these purposes.~~

~~This bill would make a technical, nonsubstantive change to the definition of water user or users.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 2762 of the Business and Professions
- 2     Code is amended to read:
- 3     2762. In addition to other acts constituting unprofessional
- 4     conduct within the meaning of this chapter it is unprofessional
- 5     conduct for a person licensed under this chapter to do any of the
- 6     following:

1 (a) Obtain or possess in violation of law, or prescribe, or except  
2 as directed by a licensed physician and surgeon, dentist, or  
3 podiatrist administer to himself or herself, or furnish or administer  
4 to another, any controlled substance as defined in Division 10  
5 (commencing with Section 11000) of the Health and Safety Code  
6 or any dangerous drug or dangerous device as defined in Section  
7 4022.

8 (b) Use any controlled substance as defined in Division 10  
9 (commencing with Section 11000) of the Health and Safety Code,  
10 or any dangerous drug or dangerous device as defined in Section  
11 4022, or alcoholic beverages, to an extent or in a manner dangerous  
12 or injurious to himself or herself, any other person, or the public  
13 or to the extent that such use impairs his or her ability to conduct  
14 with safety to the public the practice authorized by his or her  
15 license.

16 (c) Be convicted of a criminal offense involving the prescription,  
17 consumption, or self-administration of any of the substances  
18 described in subdivisions (a) and (b) of this section, or the  
19 possession of, or falsification of a record pertaining to, the  
20 substances described in subdivision (a) of this section, in which  
21 event the record of the conviction is conclusive evidence thereof.

22 (d) Be committed or confined by a court of competent  
23 jurisdiction for intemperate use of or addiction to the use of any  
24 of the substances described in subdivisions (a) and (b) of this  
25 section, in which event the court order of commitment or  
26 confinement is prima facie evidence of such commitment or  
27 confinement.

28 (e) Falsify, or make grossly incorrect, grossly inconsistent, or  
29 unintelligible entries in any hospital, patient, or other record  
30 pertaining to the substances described in subdivision (a) ~~of this~~  
31 ~~section.~~

32 (f) *Refuse to administer cardiopulmonary resuscitation in an*  
33 *emergency situation, provided that the nurse is able to perform*  
34 *the resuscitation. This subdivision does not apply if there is a “Do*  
35 *not resuscitate” order in effect for the person upon whom the*  
36 *resuscitation would otherwise be performed.*

37 SEC. 2. Section 1259.7 is added to the Health and Safety Code,  
38 to read:

39 1259.7. *If a skilled nursing facility, an intermediate care*  
40 *facility, or a congregate living health facility implements or*

1 enforces a policy that prohibits a licensed professional nurse  
2 employed by the facility from administering cardiopulmonary  
3 resuscitation, that policy is void as against public policy.

4 SEC. 3. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 the only costs that may be incurred by a local agency or school  
7 district will be incurred because this act creates a new crime or  
8 infraction, eliminates a crime or infraction, or changes the penalty  
9 for a crime or infraction, within the meaning of Section 17556 of  
10 the Government Code, or changes the definition of a crime within  
11 the meaning of Section 6 of Article XIII B of the California  
12 Constitution.

13 SECTION 1. ~~Section 1215.6 of the Water Code is amended to~~  
14 ~~read:~~

15 ~~1215.6. For the purposes of this article, “water user or users”~~  
16 ~~within a protected area means an appropriator or appropriators, a~~  
17 ~~riparian user or users, or a groundwater user or users of water on~~  
18 ~~land owned or controlled by the user within a protected area.~~